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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,947	10/10/2003	Michael Alan Meek	11633.00078	3886

22908 7590 10/20/2005

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EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3636

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/683,947	Applicant(s) MEEK ET AL.	
	Examiner Winnie Yip	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on July 25, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

1. Claims 1-3, 5-6, and 8-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Knudson (US Patent No. 5,860,213).

Herren et al. '857 shows and teaches a frame system comprising: a plurality of studs (30) each having a longitudinally extending body (32) and opposing first flanges (40, 42) extending outwardly from the body at approximately an angle of 90 degrees, and opposing foldable end flaps (44, 50) with connecting holes formed thereon, a pair of tracks (12, 14) mounted to the plurality of studs, each track having a longitudinally extending track body (24) and opposing track flanges (18, 20) extending outwardly from the track body at an angle approximately 90 degrees, the track body having fastening holes at the respective mounting locations of each of the studs, each stud being mounted between the pair of tracks by fasteners through the holes of the track bodies and the end flaps of the stud. Herren does not define the studs having opposing second flanges extending outwardly from the opposing first flanges at an approximately 90 degrees as claimed. However, Knudson teaches the frame system comprising C-shaped tracks (12, 13) and studs (14) mounted therebetween, wherein the stud (14) having opposing first flanges (22) extending from a body (14), and second flanges (24) extending from the first flanges at an angle approximately 90 degrees for increasing the rigidity of the flanges of the stud. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to

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modify the frame system of Herren having the studs being formed with an additional second opposing flanges formed on the first flanges as taught by Knudson, as old and well known in the art, for increasing rigidity and tensile strength of the stud to as claimed.

2. Claims 1-3, 5-6, and 8-9 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Atwater (US Patent No. 3,664,513) and further in view of Knudson (US Patent No. 5,860,213).

Herren et al. '857 show and teach a frame system comprising: a plurality of studs (30) each having a longitudinally extending body (32) and opposing first flanges (40, 42) extending outwardly from the body at approximately an angle of 90 degrees, and opposing foldable end flaps (44, 50) with mounting holes formed thereon, a pair of tracks (12, 14) mounted to the plurality of studs, each track having a longitudinally extending track body (24) and opposing track flanges (18, 20) extending outwardly from the track body at an angle approximately 90 degrees, the track body having mounting holes (no number, see Fig. 1), each stud being mounted between the pair of tracks by fasteners (58) through the holes of the track bodies and the end flaps of the stud. Although Herren et al. do not specifically define the tracks having the mounting holes being preformed along the track body at the respective mounting locations of each of the studs as claimed, Atwater teaches, as known in art, a framing system comprising a plurality of U-shaped tracks (20) each having a plurality of fastening holes (38) being preformed along the track body at the predetermined respective mounting locations such that a plurality of studs (26) being mounted between a pair of the tracks at the predetermined locations by fasteners. It would have been obvious to one ordinary skill in the art at the time the invention

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was made to modify the framing system of Herren to have the tracks having holes being preformed along the track body as taught by Atwater for more easily mounting the studs in between the tracks in the predetermined locations without measurements during the construction.

Further, Herren et al. do not define the studs having opposing second flanges extending outwardly from the opposing first flanges at an approximately 90 degrees as claimed.

However, Knudson teaches the frame system comprising C-shaped tracks (12, 13) and studs (14) mounted therebetween, wherein the stud (14) having opposing first flanges (22) extending from a body (14), and second flanges (24) extending from the first flanges at an angle approximately 90 degrees for increasing the rigidity of the flanges of the stud. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Herren having the studs being formed with an additional second opposing flanges formed on the first flanges as taught by Knudson, as old and well known in the art, for increasing rigidity and tensile strength of the stud to as claimed.

3. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Atwater (US Patent No. 3,664,513) and Knudson (US Patent No. 5,860,213) as applied to claims 1 or 5 above, and further in view of Baltimorean (US Patent No. 5,411,812).

The claims are considered to be met by the combined references as explained and applied set forth above rejections except that either Herren et al. or Atwater or Knudson does not define the tracks and studs being made of specific material of a carbon steel being coated with a galvanized zinc layer as claimed. Bilimoria teaches a steel beam/strip could be made of carbon

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steel being galvanized with a zinc coating as claimed. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Herren et al. combined with Atwater and Knudson having the tracts and the studs being made of specific metal such as a carbon steel with a galvanized zinc coating as taught by Bilimoria for taking advantage of high tensile strength of the structure for particular advantage since they are easily formed according to technology which is known per se into complex and intricate shapes and configurations.

Response to Amendment

4. Applicant's arguments with respect to claims 1-7 under U.S.C. 102/103, and specifically to the feature for the track body having mounting holes at respective mounting location of studs has been considered. This feature was not specifically and previously claimed in claims and thus a new ground of rejection is provided.

In response to applicant's argument that the cited references do not having feature of "the body of each track also includes (at least one) mounting hole(s) at respective mounting locations of each of the plurality of studs" as amended in claims 1 and 5 now, Herren shows the track body (24) having mounting holes to allow the fasteners (58) passed therethrough. Wherein the mounting holes, as known in the art, are capably preformed to allow easily determine the locations the studs to be mounted during the construction. In addition, Atwater further recited for teaching such a known method of performing holes along components for receiving fasteners in a framework art.

Therefore, the rejection is deemed proper.

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ACTION IS FINAL

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. ' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.


Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

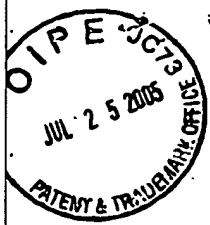
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
October 14, 2005



*approved
w/ 10/13/05*

REPLACEMENT SHEET

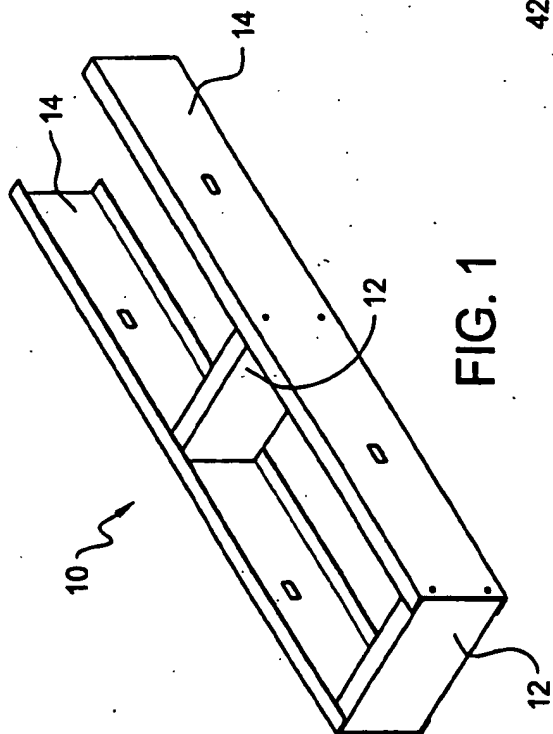


FIG. 1

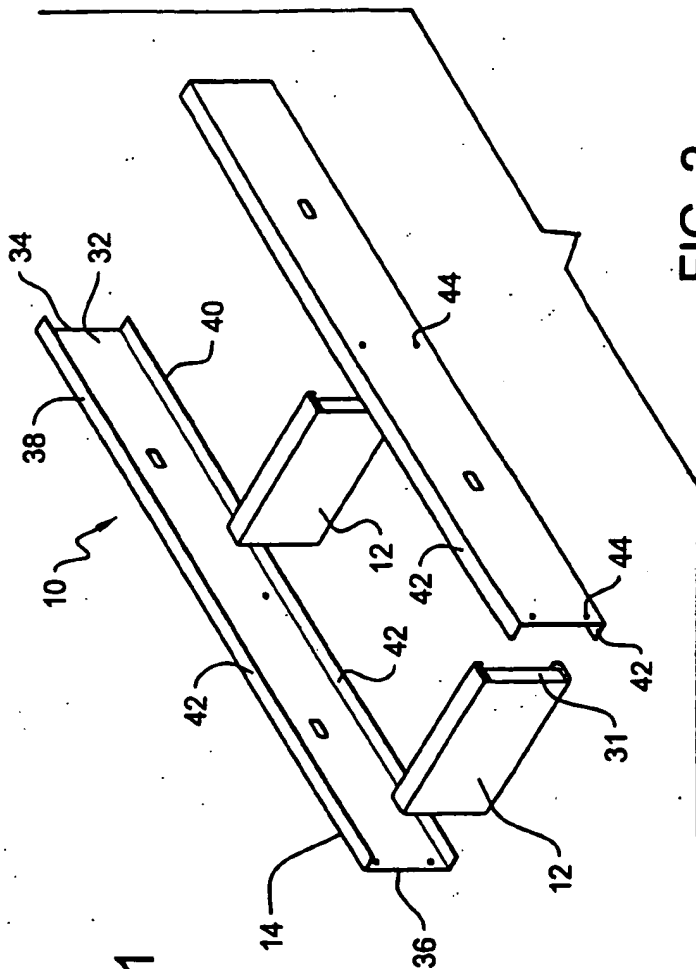


FIG. 2